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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANTEYA DANYELL WILLIAMS,
MARY RUTH SCOTT, KAREN
LATREECE COLEMAN, PRISCILLA
BUNTON, and ALYCE DENISE PAYNE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CITY OF ANTIOCH,

Defendant.

No. C-08-2301 SBA (EDL)

Stipulation and Proposed Order
Regarding Document Retention

1 The parties, through their counsel, stipulate to the following terms concerning document
2 retention.

3 **I. General Terms and Limitations**

4 A. The parties each agree to preserve all relevant documents that currently exist as
5 described and limited hereafter.

6 B. The term “document” in this stipulation refers to both hard copy documents and
7 electronically stored information (ESI), including e-mail but not voicemail as defined by
8 Fed. R. Civ. Pro. 34(a)(1).
9

10 C. By agreeing to preserve particular documents, the parties do not waive any objections
11 that they may have to any later request for production of those same documents.

12 D. This stipulation was negotiated based upon plaintiffs’ request for retention of
13 documents and defendant’s good faith disclosure of all potentially relevant documents and
14 ESI, their uses and retention histories. Should the parties become aware of additional or
15 different information concerning the other party’s documents, each reserves the right to
16 seek additional or modified retention obligations.
17

18 E. Except as identified hereafter, the document retention by defendant is limited to
19 documents that currently exist and were created after January 1, 2004.
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21 **II. Categories of Documents to Be Retained**

22 Defendant shall retain the categories of documents set forth in this section.

23 A. Records of the Antioch City Council – Defendant shall retain video or audio
24 recordings of City Council meetings as well as minutes, agendas, and reports to the City
25 Council, including special meetings such as the Quality of Life Forums. Defendant does
26 not have agendas or videotapes prior to April 11, 2006.
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1 B. Police Department Records – Defendant shall retain all existing documents and
2 databases of the Police Department’s Community Action Team as well as all information
3 maintained in the CAD system.

4 C. Communications with Outside Agencies –The parties shall retain communications
5 with the County of Contra Costa, the Contra Costa Housing Authority or other local, State
6 or Federal agencies related to the Section 8 housing program. Defendant shall retain
7 communications between the Contra Costa Housing Authority and the Antioch Police
8 Department’s Community Action Team or Antioch’s Neighborhood Improvement
9 Services department (NIS) regarding any individual recipient or former recipient of
10 Section 8 vouchers.

11 D. Communications with Tenants, Property Owners and Landlords – Defendant shall
12 retain communications between the Antioch Police Department’s Community Action
13 Team and Neighborhood Improvement Services with any Section 8 voucher recipient,
14 former recipient or property owners or landlords. Plaintiffs, the Community Action Team
15 and the Neighborhood Improvement Services shall retain communications with property
16 owners or landlords of Antioch residences accepting or willing to accept Section 8
17 voucher recipients.

18 E. Official Statements or Studies – Defendant shall retain official statements and studies
19 by the following city officials: Mayor, City Council Members, Police Chief, Police
20 Captains, Community Action Team Officers, City Manager, Police Crime Prevention
21 Commissioners, or the City Attorney concerning the Section 8 housing program or
22 Section 8 voucher recipients, race discrimination or racial demographics in Antioch.

23 F. Documents involving UCBN - Defendant shall retain documents relating to meetings
24 or communications between the Mayor, City Council members, the Police Chief, Police
25

1 Captains, the Community Action Team, Neighborhood Improvement Services or the City
2 Manager with United Citizens for Better Neighborhoods and Gary Gilbert.

3 **G. Documents Involving Other Community Groups and Section 8 or Quality of Life**

4 Issues – Defendant shall retain documents relating to meetings or communications with
5 neighborhood watch groups or the Antioch Chamber of Commerce by the following city
6 officials: the Mayor, City Council members, the Police Chief, Police Captains, the
7 Community Action Team, Neighborhood Improvement Services or the City Manager
8 concerning the Community Action Team, the Section 8 housing program or voucher
9 recipients, or the Quality of Life forums.

10
11 **H. Complaints of Police Misconduct** – Defendant shall retain documents relating to any
12 complaints of police misconduct regarding a current or former Community Action Team
13 officer, including any investigation or disposition of the complaint. In addition,
14 Defendant shall retain documents relating to any complaints of police misconduct since
15 January 1, 2004, which allege racial discrimination or harassment, improper search or
16 home entry, or harassment of Section 8 voucher recipients,

17
18 **I. Crime Mapping and Police Deployment** – Defendant shall retain documents regarding
19 the geographic concentration of CAT or criminal activity in Antioch and the geographic
20 deployment of police resources.

21
22 **J. Administrative and Judicial Action Records** – Defendant shall retain documents
23 relating to any administrative or judicial action that asserts police misconduct, racial
24 discrimination, or harassment of Section 8 recipients against the City of Antioch, the
25 Antioch Police Department or any APD police officer.

1 **K. Records Regarding Public Advocates Report** - The parties and their attorneys shall
 2 retain documents relating to Public Advocates December 18, 2007 Report "Policy Low-
 3 Income African-American Families in Antioch."

4 **L. Records Regarding Named Plaintiffs** – Defendant shall retain Police Department
 5 documents relating to the named plaintiffs in the Williams case. Plaintiffs will, within a
 6 reasonable time, identify any other individuals associated with the plaintiffs whose
 7 records are sought to be retained and the City will make best efforts to do so.

8 **M. Communication with Non-Profit Groups** - The parties and their attorneys shall retain
 9 documents related to communications with Bay Area Legal Aid, Public Advocates,
 10 ACLU, the Impact Fund, Bingham McCutchen or the Lawyers' Committee for Civil
 11 Rights of the San Francisco Bay Area concerning the Public Advocates report, this
 12 litigation, or the individual proceedings before the Housing Authority of Contra Costa
 13 County concerning any of the named plaintiffs.

14 **N. Communications with Media** – The parties and their attorneys shall retain documents
 15 relating to communications with the media which relate to Section 8 program, the
 16 December 18, 2007 Public Advocates Report, or this litigation.

17 **O. Police Policy, Procedure and Training Documents** - Defendant shall retain documents
 18 relating to police training, policy or procedure.

19 **P. Communications with Departments and Commissions** – Defendant shall retain
 20 documents relating to communication among the Police Crime Prevention Commission,
 21 City Manager, Neighborhood Improvement Services, Rental Inspection Program,
 22 concerning the Section 8 housing program, Section 8 voucher recipients, or CAT.

23 **III. Retention Obligations for Particular Information Systems or Sources**
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1 A. Systems or Sources For Which Special Retention is Not Required - Defendant does
2 not need to undertake any special retention obligations for any of the following databases
3 or information systems for purposes of this litigation.

- 4 1. City Hall Video Surveillance System
- 5 2. Police Department Surveillance System
- 6 3. Prewett Park Video Surveillance System
- 7 4. Thumb and/or flash drives
- 8 5. Tapit Call Accounting (system for billing telephone calls)
- 9 6. Quantix (leisure services – Prewett Water Park)
- 10 7. Chameleon (animal services information)
- 11 8. CRW Track – It Database – No retention of building permits or land use
- 12 tracking, but Neighborhood Improvement Services (NIS) data to be retained.
- 13 9. GBA (work orders for Public Works)
- 14 10. Fuel Master (fuel consumption monitoring)
- 15 11. Progressive Solutions, Business License
- 16 12. SunGard Bi-Tech (financial and accounting system)
- 17 13. Safari (leisure services class activity registration and point of sale)
- 18 14. Intranet (employment and benefit information and policies)
- 19 15. Digital Cameras
- 20 16. Cell Phones
- 21 17. Personal Digital Assistants (PDA)
- 22 18. Call Express (Voicemail)

23 B. Systems or Sources for Which Retention is Required

1 1. Computer-Aided Dispatch System Records – Defendant has represented
2 that it retains, and does not purge, information in its Computer-Aided Dispatch
3 System (CAD). Defendant archives the CAD to a secure server on a weekly
4 basis. “CAD” includes, *inter alia*, the CAD system, the Records Management
5 System (RMS), and the Computer Aided Booking System (CABS) system.
6 Defendant shall continue to archive and retain all records in the CAD system on
7 a weekly basis.

8
9 2. City and Police Websites – Defendant will retain instructions to the third-
10 party contractor regarding changes to the City’s website.

11 3. 911 System/Freedom Recorders/Dispatch System – Prior to July 25, 2008,
12 911 call and dispatch records, including freedom recorders, were overwritten
13 every 240 days. Since approximately July 25, 2008, the over-writing policy
14 has been halted. Defendant will retain 911 System and dispatch documents,
15 including freedom recorders, for the duration of the litigation.

16 4. City-Owned Computers – Defendant shall retain documents and electronic
17 information referenced in Section II on City-Owned Computers as follows:

18 a) For City-Owned computers used by CAT members, whether desktop
19 or mobile laptops, defendant will retain documents and electronic
20 information referenced in Section II. Defendant shall create and
21 maintain weekly archives of all records of the CAT officers network files.

22 b) For City-Owned computers used by the City Manager, Assistant City
23 Manager, Police Chief, and Police Captains, defendant will retain
24 documents and electronic information referenced in Section II.

25 Defendant has advised these individuals of their obligation to retain
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1 documents related to the Community Action Team, Section 8, Contra
2 Costa Housing Authority and UCBN. They, along with NIS and RIP, who
3 have not previously received retention instructions, will receive reminders
4 to retain documents referenced in Section II no less than every six months
5 hereafter. If someone new is elected, appointed or assigned to one of
6 these job positions, defendant will advise the person of his or her duty to
7 retain documents referenced in Section II within ten days of the time they
8 begin work in their new position.
9

10 5. Home Computers – The following individuals may have home computers
11 which may have documents referenced in Section II: Community Action Team
12 Officers who remain employed by the City of Antioch, City Manager, Assistant
13 City Manager, Police Chief, Police Captains, City Council Members and the
14 Mayor. Defendant has instructed these individuals to retain documents,
15 including electronic mail, related to the Community Action Team, Section 8,
16 Contra Costa Housing Authority and UCBN on their home computers. They
17 will receive reminders to retain documents referenced in Section II no less than
18 every six months hereafter. If someone new is elected, appointed or assigned
19 to one of these job positions, defendant will advise the person of his or her duty
20 to retain documents referenced in Section II within ten days of the time they
21 begin work in their new position.
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23 6. CRW Track-It Database – Defendant will retain the part of the CRW Track-
24 It database that relates to the Neighborhood Improvements Services
25 department.
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1 7. Police Department Interview Videos - Defendant will retain police station
2 interviews germane to a filed criminal case against a named plaintiff in the
3 Williams case.

4 8. Computer Network and Servers (including Exchange Server) – Defendant
5 shall make and retain, on a monthly basis, a copy of the contents of its
6 computer network.
7

8 DATED: December __, 2008

THE IMPACT FUND

9
10 By s/ Jocelyn D. Larkin
11 Jocelyn D. Larkin
12 Attorney for Plaintiffs and the Proposed Class

13 DATED: December __, 2008

MCNAMARA, DODGE, NEY, BEATTY,
14 SLATTERY, PFALZER, BORGES &
15 BROTHERS LLP

16 By s/Thomas G. Beatty
17 Thomas G. Beatty
18 Attorney for Defendant

19
20 IT IS SO ORDERED.

21
22 DATED: January 6, 2009

